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70.01 DEFINITIONS

(a) For the purposes of this traffic code Chapters 70 through 76 shall be referred to as the traffic code of this Code and the following definitions shall apply throughout said chapters unless the context clearly indicates or requires a different meaning.

(b) Whenever any words or phrases used herein are not defined herein but are defined in the state laws (Indiana Code) regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein.

(c) "AUTHORIZED EMERGENCY VEHICLE" - Fire Department vehicles, police vehicles, and such ambulances and emergency vehicles of the city or other vehicles which are designated or authorized by the Chief of Police to serve as emergency vehicles.

(d) "BICYCLE" - Every device propelled by human power upon which any person may ride having two tandem wheels either of which is more than 15 inches in diameter.

(d) "BOARD" - The Board of Public Works and Safety of Richmond, Indiana.

(e) "BUSINESS DISTRICT" - The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which occupy at least 300 feet of frontage on the one side or 300 feet collectively on both sides of the highway.

(f) "CENTRAL BUSINESS DISTRICT" - All streets and portions of streets within the area described as follows: all that area bounded on the north by the north line of North A Street, on the south by the south line of South A Street, on the east by the east line of North and South Twelfth Streets, and on the west by the west line of North and South Fifth Street. and the west line of Fort Wayne Avenue.

(g) "COMMERCIAL VEHICLE" - Every vehicle designed, maintained, or used primarily for the transportation of property.

(h) "CROSS WALKS"

(1) That part of a roadway, at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the

highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(i) "CURB LOADING ZONE" - A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(j) "DRIVER" - Every person who drives or is in actual physical control of a vehicle.

(k) "HIGHWAY" - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(l) "INTERSECTION"

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(m) "LANED ROADWAY" - A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(n) "LOADING ZONE" - Paved area of street provided by the Board of Works for limited parking while loading or unloading in the business district.

(o) "MOTOR VEHICLE" - Every vehicle which is self-propelled.

(p) "MOTORCYCLE" - Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(q) "OFFICIAL TIME STANDARD" - Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this city.

(r) "OFFICIAL TRAFFIC CONTROL DEVICES" - All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(s) "PARK OR PARKING" - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(t) "PEDESTRIAN" - Any person afoot.

(u) "POLICE OFFICER" - Every officer of the Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. Every regular officer of the Richmond Police Department authorized to enforce the Indiana Code and this Code and any person employed by said Department as a Parking Enforcement Officer.

(v) "PRIVATE ROAD OR DRIVEWAY" - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(w) "RESIDENCE DISTRICT" - The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences and buildings in use for business.

(x) "RIGHT-OF-WAY" - The privilege of the immediate use of the roadway.

(y) "ROADWAY" - That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term roadway shall refer to any such roadway separately but not to all such roadways collectively.

(z) "SAFETY ZONE" - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(aa) "SIDEWALK" - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(bb) "STAND OR STANDING" - Means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

(cc) "STOP OR STOPPING" - When required means complete cessation from movement. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(dd) "STREET OR HIGHWAY" - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(ee) "THROUGH HIGHWAY" - Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on the through highway in obedience to either a stop sign or a yield sign, when the signs are erected as provided in this chapter.

(ff) "TRAFFIC" - Pedestrians, vehicles, bicycles, and other conveyances either singly or together while using any highway for purposes of travel.

(gg) "TRAFFIC-CONTROL SIGNAL" - Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(hh) "TRAFFIC DIVISION" - The Traffic Division of the Police Department of the city.

(ii) "VEHICLE" - Every device in, on, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power. ('72 Code, 41.01) (Ord. 1781-1960; Am. Ord. 2125-1965)

70.02 INCORPORATION OF INDIANA CODE TRAFFIC PROVISIONS

The City acknowledges the Indiana Code traffic provisions and any provision of this traffic code inconsistent therewith shall be considered not enforceable, adopts and incorporates state provisions Indiana Code 9-4 et seq., Motor Vehicles; sections of the Road, Signs and Signals, Traffic Violations.

70.03 ACCIDENT REPORT ACCOUNT

The Police Department shall collect a fee of \$8 for each copy of an accident report as provided in I.C. 9-29-11-1. The fee collected shall be deposited in the local law enforcement continuing education fund established by I.C. 5-2-8-2. (Ord. 59-2007)

TRAFFIC ADMINISTRATION

70.06 TRAFFIC DIVISION

There is established in the Police Department of this city a Traffic Division to be under the control of an officer of police appointed and directly responsible to the Chief of Police. ('72 Code, 41.02) (Ord. 1781-1960)

70.07 DUTIES OF TRAFFIC DIVISION

It shall be the duty of the Traffic Division, with such aid as may be rendered by other members of the Police Department, to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents, and to cooperate with other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the division by this traffic code. ('72 Code, 41.02) (Ord. 1781-1960)

70.08 RECORDS OF TRAFFIC VIOLATIONS

(a) The Police Department or the Traffic Division thereof shall keep a record of all moving traffic violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. The record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records and reports shall be public records. ('72 Code, 41.02) (Ord. 1781-1960)

70.09 TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS

It shall be the duty of the Traffic Division, assisted by other police officers, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to the accidents. ('72 Code, 41.02) (Ord. 1781-1960)

70.10 TRAFFIC ACCIDENT STUDIES

Whenever the accidents at any particular location become numerous, the Traffic Division shall cooperate with the City Traffic Engineer in conducting studies of the accidents and determining remedial measures. ('72 Code, 41.02) (Ord. 1781-1960)

70.11 TRAFFIC ACCIDENT REPORTS

The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. The reports shall be available for the use and information of the City. ('72 Code, 41.02) (Ord. 1781-1960)

Cross-reference:

Accident Report Account, see 70.03

70.12 DRIVERS FILES TO BE MAINTAINED

- (a) The Police Department or the Traffic Division shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.
- (b) The Traffic Division shall study the cases of all the drivers charged with frequent or serious violations of the traffic ordinances and laws, or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of the persons suspended or revoked.
- (c) The records shall accumulate during at least a five-year period and from that time on such records shall be maintained complete for at least the most recent five-year period. ('72 Code, 41.02) (Ord. 1781-1960)

70.13 TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

Traffic Division shall annually prepare a traffic report which shall be filed with the Mayor. The report shall contain information on traffic matters in this city as follows:

- (a) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data
- (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the police
- (c) The plans and recommendations of the division for future traffic safety activities ('72 Code, 41.02) (Ord. 1781-1960)

70.14 TRAFFIC DIVISION TO REQUIRE FUNERAL PROCESSIONS TO BE IDENTIFIED

The Traffic Division shall require all vehicles in funeral processions to display a pennant or other identifying insignia. ('72 Code, 41.02) (Ord. 1781-1960)

70.15 EMERGENCY AND EXPERIMENTAL REGULATIONS

(a) The Chief of Police by and with the approval of the Board of Public Works and Safety is empowered to make regulations necessary to make effective the provisions of this traffic code and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The City Engineer may test traffic-control devices under actual conditions of traffic. ('72 Code, 41.04) (Ord. 1781-1960)

70.16 VEHICLE IDENTIFICATION FEE

The City of Richmond Police Department is authorized to assess a \$5.00 fee for checking vehicle identification numbers, as allowed by Indiana Code, I.C. 9-1-2-2 (1). The proceeds of the inspection fee shall be deposited in a special vehicle inspection fund for which appropriations may be made for law enforcement purposes. (Ord. 60-1988; Ord. 54-1994)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

70.20 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

(a) It shall be the duty of the officers of the Police Department or officers assigned by the Chief of Police to enforce all street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) Officers of the Police Department or officers assigned by the Chief of Police are authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic ordinances or laws.

(c) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity. ('72 Code, 41.05) (Ord. 1781-1960)

70.21 REQUIRED OBEDIENCE TO TRAFFIC CODE

It is an infraction for any person to do any act forbidden or fail to perform any act required in this traffic code. ('72 Code, 41.06) (Ord. 1781-1960) (Ord. 55-1987) Penalty, see 10.99

70.22 PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this traffic code applicable to the driver of any vehicle, except those provisions which by their very nature can have no application. ('72 Code, 41.08) (Ord. 1781-1960) Penalty, see 74.99

70.23 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED

No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing the person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply on any street while set aside as a play street as authorized by ordinance. ('72 Code, 41.09) (Ord. 1781-1960; Ord. 53-1987) Penalty, see 10.99

70.24 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this traffic code shall apply to the driver of any vehicle owned by or used in the service of the United States Government, State of Indiana, County of Wayne, or City of Richmond, and it shall be unlawful for any driver to violate any of the provisions of this traffic code, except as otherwise permitted in this code or by the Indiana Statutes. ('72 Code, 41.10) (Ord. 1781-1960) Penalty, see 10.99

70.25 AUTHORIZED EMERGENCY VEHICLES

(a)The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b)The driver of an authorized emergency vehicle may:

(1)Park or stand, irrespective of the provisions of this traffic code

(2)Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation

(3) Exceed the maximum speed limits so long as he does not endanger life or property

(4) Disregard regulations governing direction of movement or turning in specified directions

(c) The exemptions granted to an authorized emergency vehicle shall apply only when the driver of any vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons, nor shall the provisions protect the driver from the consequences of his reckless disregard for the safety of others. ('72 Code, 41.11) (Ord. 1781-1960) Penalty, see 10.99

70.26 WRITTEN REPORT OF ACCIDENT

(a) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$200 or more shall, within five days after the accident, forward a written report of the accident or a copy of any report he is required to forward to the state.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall immediately after learning of the accident make the report. ('72 Code, 41.14, 41.15) (Ord. 1781-1960) Penalty, see 10.99

TRAFFIC-CONTROL DEVICES

70.35 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The Board of Public Works and Safety shall place and maintain traffic-control signs, signals, and devices when and as required under this traffic code to make effective the provisions of this traffic code, and may place and maintain such additional traffic-control devices as it may deem necessary to regulate traffic under this traffic code or under state law or to guide or warn traffic. ('72 Code, 41.16) (Ord. 1781-1960)

70.36 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES

All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the Indiana Department of Transportation State Highway Commission. All signs and signals required hereunder for a particular purpose, so far as practicable, shall be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this traffic code shall be official traffic-control devices. ('72 Code, 41.17) (Ord. 1781-1960) Penalty, see 10.99

70.37 WHEN TRAFFIC SIGNS REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this traffic code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place. ('72 Code, 41.19) (Ord. 1781-1960)

70.38 TRAFFIC-CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used, and the lights shall indicate and apply to drivers of vehicles and pedestrians as stated below. However, where pedestrian control signals are installed and maintained, pedestrians shall only proceed pursuant to the pedestrian control signals as set forth in 70.39.

(a) Green alone

- (1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign prohibits the turn. However, vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- (2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow alone

- (1) Vehicular traffic facing the signal is warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.

(2) No pedestrians facing the signal shall enter the roadway until the green or "go" is shown alone.

(c) Steady red alone

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall there remain until green or "go" is shown alone.

(2) No pedestrian facing the signal shall enter the roadway until the green or "go" is shown alone.

(d) Steady red with green arrow

(1) Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a cross-walk and to other traffic lawfully using the intersection.

(2) No pedestrian facing the signal shall enter the road until the green or "go" is shown alone.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal. ('72 Code, 41.20) (Ord. 1781-1960)
Penalty, see 10.99

70.39 PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting words or symbols "Walk" or "Wait" or "Don't Walk" are in place the signals shall indicate as follows.

(a) Walk symbol or word

Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(b) Wait or Don't Walk symbol or word

No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partially completed his crossing on the walk signal shall

proceed to a sidewalk or safety zone while the wait signal is showing. ('72 Code, 41.21) (Ord. 1781-1960) Penalty, see 72.05

70.40 FLASHING SIGNALS

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal)

When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the sections applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal)

When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass the signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the sections as set forth in 71.33. ('72 Code, 41.22) (Ord. 1781-1960) Penalty, see 74.99

70.41 AUTHORITY TO ESTABLISH PLAY STREETS

The Board shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the area. ('72 Code, 41.25) (Ord. 1781-1960)

70.42 PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any driver shall exercise the greatest care in driving on the street or portion thereof. ('72 Code, 41.26) (Ord. 1781-1960) Penalty, see 10.99

70.43 SCHOOL CROSSINGS

(a) It shall be unlawful for any pedestrian or driver of any motor vehicle to disobey the directions of any adult school crossing guard while the school crossing guard is controlling traffic at a school crossing.

(b) The fine for violation of this Section 70.43 is set forth in Section 10.99(g) and the procedure for payment or trial is set forth in Section 10.99(h). Any person guilty of an infraction of this section shall be liable for a penalty of not less than \$50 nor more than \$300. (Ord. 75-1978)

70.44 BOARD TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The Board is authorized:

- (a) To designate and maintain appropriate devices, marks, or lines on the surface of the roadway, crosswalks, or intersections where in its opinion there is a particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.
- (b) To establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians. ('72 Code, 41.27) (Ord. 1781-1960)

70.45 TRAFFIC LANES

- (a) The Board is authorized to mark traffic lanes on the roadway of any street or highway where a regular alignment of traffic is necessary.
- (b) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. ('72 Code, 41.28) (Ord. 1781-1960) Penalty, see 10.99 (????-1995)